

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

FILED  
CLERK'S OFFICE

CASE NO. 04C0 30179 MAP

Sept 21 A 9:52

LARRY D. SMITH, Plaintiff

U.S. DISTRICT COURT  
DIST. CT. OF MASS.

vs.

PINNACLE HOSPITALITY GROUP, INC., Defendant

PLAINTIFF'S NOTICE OF FILING AND SERVICE OF  
FIRST AMENDED COMPLAINT AND DEMAND FOR TRIAL BY JURY

Plaintiff hereby gives notice of the filing and service of the First Amended Complaint and Demand for Trial by Jury pursuant to F.R.Civ.P. 15 as of right, defendant not having served a responsive pleading to the initial complaint.

Filing has been made by mailing said complaint, together with this notice, postage prepaid, to the Clerk at his offices in Springfield.

Service has been made by faxing and by mailing a copy of said complaint, together with this notice and a pre-addressed postage prepaid envelope to defendant's attorney

Stacey N. Schmidt, Esq.  
81 Green Street, Suite 32  
Brookline MA 02446  
Fax No. 1-617-385-1482

Said attorney has previously agreed to accept service of process on behalf of the defendant. On September 10, 2004, plaintiff's attorney mailed and faxed her:

1. The Complaint;
2. The civil cover sheet;
3. The local cover sheet;
4. The summons, bearing the deputy clerk's signature with plaintiff's attorney's initials;
5. The notice of lawsuit and request for waiver of service of summons; and
6. The waiver of service of summons.

The foregoing representations are made by the undersigned attorney subject to F.R.Civ.P. 11.

LARRY D. SMITH

By 

Stephen R. Kaplan  
Attorney at Law  
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Dated: September 20, 2004